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October 25, 2024

The Honorable Jeffrey M. Bryan
U.S. District Judge, District of Minnesota
316 N. Robert Street
St. Paul, MN 55101

Re: *Smartmatic USA Corp., et al. v. Lindell, et al.*, Case No. 22-cv-00098-JMB-JFD; Plaintiffs' Local Rule 7.1(f)(1)(D) request for increased words

Dear Judge Bryan:

Pursuant to Local Rule 7.1(f)(1)(D), Plaintiffs Smartmatic USA Corporation, Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, "Smartmatic") request leave from the Local Rule 7.1(f) word count limit for its upcoming memoranda in support of summary judgment. Smartmatic respectfully requests permission to file supporting and reply memoranda of its motion for summary judgment totaling, collectively, no more than 40,000 words.

Smartmatic will file its motion for summary judgment no later than November 13, 2024, the dispositive motion deadline in this litigation. (ECF No. 364.) Smartmatic submits that its request for an expanded word count on summary judgment is justified for at least the following reasons.

First, this defamation action involves more than fifty allegedly defamatory statements spread over more than a dozen publications. (See ECF No. 125, Supplemental Complaint.) The record is extensive due to the sheer number of statements about Smartmatic at issue. Smartmatic will move for summary judgment regarding the falsity of Defendants' statements, meaning that Smartmatic will detail the factual bases debunking each allegedly defamatory statement. Smartmatic will make every effort to streamline its falsity explanation, but additional words would allow Smartmatic to properly address Defendants' claims.

Second, Smartmatic's motion will seek summary judgment on each element Smartmatic's two causes of action—defamation and violations and of the Minnesota

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Deceptive Trade Practices Act, except for damages. To be sure, Smartmatic will streamline the record and present focused bases for its requests for summary judgment to the Court. But given the breadth of material to be addressed, and the expansive discovery record in this case, Smartmatic believes an expanded word count will ultimately aid the presentation of issues to the Court. Smartmatic therefore respectfully requests leave to file supporting and reply memoranda in support of its motion for summary judgment totaling, collectively, no more than 40,000 words.

Smartmatic conferred with Defendants about this request. Defendants oppose this request.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF
LLP

A handwritten signature in blue ink that reads "Julie M. Loftus". The signature is fluid and cursive, with the first name "Julie" being the most prominent part.

Julie M. Loftus